

**REMARKS**

Claims 1-14 are pending in the application. Claims 5-8, 12 and 14 have been amended herein to address the informalities noted by the Examiner. Favorable reconsideration of the application, as amended, is respectfully requested.

**I. PRIORITY DOCUMENT**

The Examiner acknowledges applicants' claim for foreign priority but notes that applicants have not yet filed a certified copy of the foreign priority document. Applicants appreciate the Examiner bringing this to their attention.

Applicants do note that the present invention is a 371 of PCT/JP2004/011222. As such, a copy of the foreign priority document should already have been provided by the International Bureau under PCT Rule 17.2(a). If for any reason the USPTO still has not received the copy of the priority document from the International Bureau, applicants would appreciate if the Examiner could bring this to their attention and the applicants will seek to obtain another copy to be submitted in the present application.

**II. REJECTION OF CLAIMS 1-14 UNDER 35 USC §102(e)**

Claims 1-14 stand rejected under 35 USC §102(e) based on *Nakamura et al.* ('681). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Referring to claim 1, for example, a data processor is provided for reading content data from a continuous area on a storage medium and playing back video and/or audio based on the content data. The continuous area includes a data area, in which the content data is stored, and a non-content-data area, in which the content data is not stored. Claim 1 recites, *inter alia*:

a reading control section for giving an instruction to read the content data of a predefined size from the data area and an instruction to start to play back the video and/or the audio based on the content data that has been read out; ...[and]

wherein the reading control section determines the predefined size by the amount of time it takes to skip the non-content-data area, reads the content data of the predefined size, accumulates the data in the buffer memory, and then gives an instruction to start to play back the content. (Emphasis added).

Similar language is found in remaining independent claims 7, 8 and 14.

Such features of the present invention are exemplified in step S102 in Fig. 10 of the present application, and by the initial time period shown in Fig. 11 during D1. In particular, the invention relates to reading data from the continuous data area without starting play back for an initial period of time, and then giving an instruction to start to play back the content. Stated differently, the read control section/step of the present invention initiates reading of the content data and the storage thereof in buffer memory for a time prior to beginning the playing back of the content such that extra data is accumulated prior to beginning play back. This is advantageous in that if a defective area is encountered, play back may continue based on the accumulated data while skipping the defective area.

Nakamura et al.:

Fig. 5

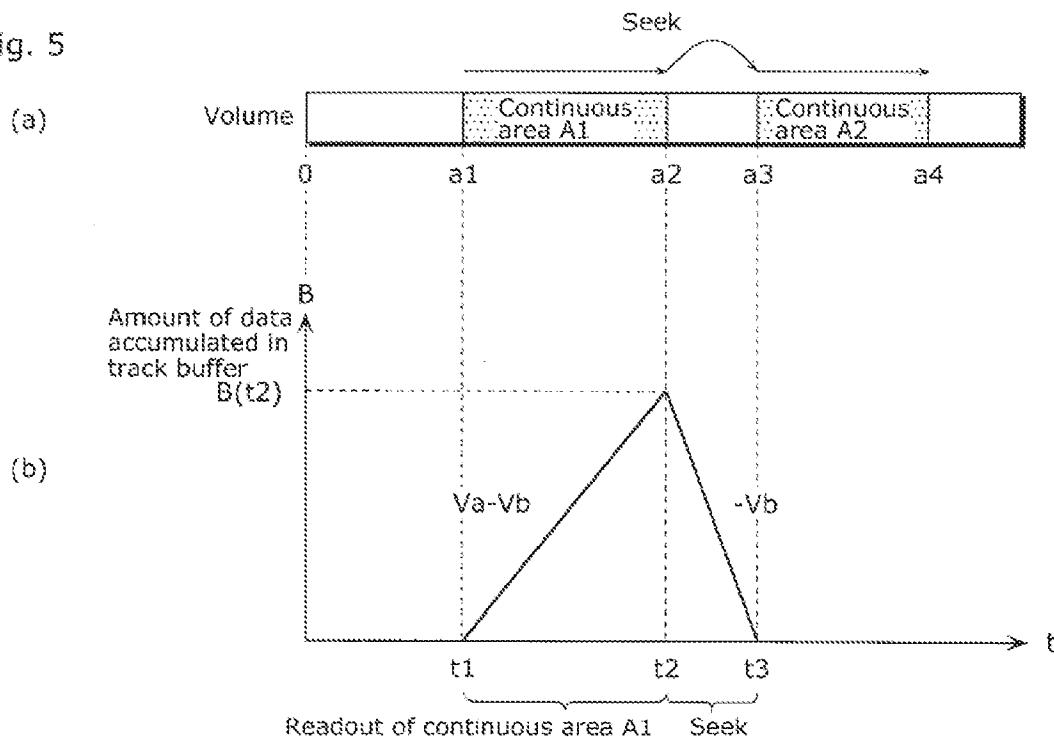


Fig. 5 of *Nakamura et al.* is reproduced above. The Examiner relies on Fig. 5 and paragraphs 0115-0119 of *Nakamura et al.* in rejecting claims 1-14. The Examiner submits that Fig. 5 and paragraph 0119 represent a reading control section/step for determining the predefined size by the amount of time it takes to skip the non-content-data area, reading the content data of the predefined size, accumulating the data in the buffer memory, and then giving an instruction to start to play back the content as recited in claims 1, 7, 8 and 14.

Applicants respectfully submit that in *Nakamura et al.*, it is at time t1 as shown in Fig. 5 that the apparatus begins the readout of the data. Most notably, the data is readout while simultaneously being outputted from the track buffer 103. (Paragraph 0119, lines 7-9).

More particularly, in Fig. 5(b) of *Nakamura et al.* “Va” refers to the input rate of data read into the track buffer 103. “Vb” refers to the output rate of data from the track buffer 103. Id. Thus, “Va-Vb” during the time period t1 to t2 (which the Examiner equates with the claimed predefined time/size) represents both reading and playback of the content being simultaneously performed. As a result, in *Nakamura et al.* if a defect area exists in continuous area A1 in Fig. 5(a) it may be that the data to be output will run short in the track buffer 103 and the playback be stopped.

Applicants therefore respectfully submit that *Nakamura et al.* does not teach or otherwise render obvious the invention in which the reading control section determines the predefined size by the amount of time it takes to skip the non-content-data area, reads the content data of the predefined size, accumulates the data in the buffer memory, and then gives an instruction to start to play back the content as recited in claims 1, 7, 8 and 14. As noted above, *Nakamura et al.* teaches reading the data into the buffer (Va) at the same time as reading the data from the buffer (Vb). The difference between the read-in rate and read-out rate (Va-Vb) thus determines the amount of data accumulated in the buffer as shown in Fig. 5.

For at least these reasons, applicants respectfully request that the rejection of claims 1-14 be withdrawn.

***III. CONCLUSION***

Accordingly, all claims 1-14 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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